

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DAVID FREY and BELINDA SUSAN
FREY,

Plaintiffs,

V.

1266192 ONTARIO LIMITED, et al.,
Defendants.

No. 2:25-cv-02384-SHL-tmp

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION TO TRANSFER CASE TO
THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE**

Plaintiffs request a transfer of their case to the United States District Court for the Middle District of Tennessee. (ECF No. 13.) They argue that the Western District is an improper venue because “it lacks any substantial connection to any of the parties” or the facts of the case. (Id. at PageID 84.) The car crash giving rise to Plaintiffs’ claims occurred in Nashville, Plaintiffs live in Nashville, and neither party has any connection to the Western District. (ECF No. 14 at PageID 89.) Thus, they request a transfer under 28 U.S.C. § 1404. (Id.) Defendants do not oppose Plaintiff’s request. (ECF No. 13 at PageID 84.)

The Court agrees that the Western District is not the proper forum here, but not for the reasons Plaintiffs assert. Plaintiffs originally filed their complaint in the Davidson County Circuit Court, which is in the Middle District of Tennessee. (See ECF No. 1-2 at PageID 6.) For no apparent reason, Defendants removed the case to the Western District of Tennessee. (ECF No. 1 at PageID 1.) However, the only proper venue in removed cases is the district in which the state court is located. 28 U.S.C. § 1441(a); see also 28 U.S.C. § 1446(a) (stating that a defendant

must file its notice of removal “in the district court of the United States for the district and division within which such action is pending”). Here, that venue is the Middle District.

Because Defendants removed this case from the Davidson County Circuit Court, the only proper forum is the Middle District. See Kerobo v Southwestern Clean Fuels, Corp., 285 F.3d 531, 534 (6th Cir. 2002). Thus, Plaintiffs’ unopposed motion is **GRANTED** and this case is **TRANSFERRED** to the Middle District of Tennessee. The scheduling conference set on May 23 is cancelled.

IT IS SO ORDERED, this 2nd day of May, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE